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REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL AGENDA OF THE FORTY-NINTH SESSION

CONSIDERATION OF THE EXCEPTIONAL SITUATION OF THE REPUBLIC OF CHINA IN TAIWAN IN THE INTERNATIONAL CONTEXT, BASED ON THE PRINCIPLE OF UNIVERSALITY AND IN ACCORDANCE WITH THE ESTABLISHED MODEL OF PARALLEL REPRESENTATION OF DIVIDED COUNTRIES AT THE UNITED NATIONS

Letter dated 28 June 1994 from the representatives of Burkina Faso, the Central African Republic, Dominica, Dominican Republic, Grenada, Nicaragua, Niger, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands and Swaziland to the United Nations addressed to the Secretary-General

On instruction from our respective Governments, we have the honour to request you, pursuant to rule 13 of the rules of procedure of the General Assembly, to include an item in the agenda of the forty-ninth session of the General Assembly entitled "Consideration of the exceptional situation of the Republic of China in Taiwan in the international context, based on the principle of universality and in accordance with the established model of parallel representation of divided countries at the United Nations". Pursuant to rule 20 of the rules of procedure of the General Assembly, we attach an explanatory memorandum (see annex I) and a draft resolution (see annex II). 1/

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Notes

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Annex I

EXPLANATORY MEMORANDUM

1. For a period of 22 years, from 1950 to 1971, the United Nations considered the question of the representation of two politically dissimilar entities in China. The question, which was considered against the background of political and ideological confrontation created by the cold war and its bipolar divisions, generated a certain amount of difficulty because it also involved legal, political and procedural elements which complicated the issue. In the General Assembly, some States advocated the admission of the People's Republic of China as a new Member, while the latter country and its supporters insisted that the question to be settled was that of the representation of China. In October 1971, at its twenty-sixth session, the General Assembly adopted resolution 2758 (XXVI), in which it decided that China's seat at the United Nations would be taken by the People's Republic of China. That decision excluded the Republic of China in Taiwan from the United Nations.

2. However, as a matter of fact, General Assembly resolution 2758 (XXVI) is a product of ideological confrontation during the cold war era. The resolution only provides for the international representation of Chinese people on the Chinese mainland; that is, on territory under the jurisdiction of the People's Republic of China. Consequently, it also deprives the representation of 21 million people under the jurisdiction of the Republic of China in Taiwan. This exclusion seriously violates the principle of universality that is the foundation of the United Nations. As a result, the Republic of China in Taiwan and its 21 million people are prevented from leading a normal life in the international community. The following are some prominent examples:

(a) International human rights cooperation. The Republic of China in Taiwan was prevented from attending international human rights activities, such as the 1993 World Conference on Human Rights held at Vienna, and was excluded from helping to draft, or becoming a party to several human rights conventions, such as the Convention on the Elimination of Discrimination against Women in 1979 and the Convention on the rights of the Child in 1989. As a result, the fundamental rights of the 21 million people of the Republic of China in Taiwan to participate in international activities and human rights conventions were continually ignored;

(b) International disaster relief and humanitarian assistance. The Republic of China in Taiwan has participated actively in international disaster relief and humanitarian aid operations, and has in the past five years directly or indirectly provided disaster relief and humanitarian aid of US$ 117 million to over 40 countries. But the Republic of China in Taiwan still is unable to participate in operations of United Nations agencies, such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF);

(c) Environmental protection and sustainable development. The Republic of China in Taiwan was prevented from becoming a contracting party to international conventions on ecological and environmental protection, such as the United

Nations Framework Convention on Climate Change and the Montreal Protocol on Substances that Deplete the Ozone Layer. The Republic of China in Taiwan has taken measures in ecological and environmental protection in keeping with the aforementioned international conventions, but was forced to live under the shadow of trade sanctions imposed by the Protocol;

(d) International economic, trade and development cooperation. As the thirteenth largest trading nation in the world, and the world's seventh largest outbound investor, the Republic of China in Taiwan is willing to share its own development experience and achievements with the international community and has already offered to developing countries financial and technical assistance for development projects. But the Republic of China in Taiwan is still unable to join the development programmes sponsored by the United Nations Development Programme (UNDP), and is prevented from participating in the International Monetary Fund (IMF) and the World Bank.

3. General Assembly resolution 2758 (XXVI) does not constitute a comprehensive, reasonable and just solution to the question of representation of the Chinese people in the United Nations that arose from China's division in 1949. The division of China originates in the establishment of the People's Republic of China on the Chinese mainland by Chinese communists in 1949, while the Republic of China in Taiwan, established in 1912, moved its seat of Government to Taiwan and has since continued to exercise effective rule over its territories of Taiwan, Penghu (Pescadores), Kinmen (Quemoy) and Matsu. The Republic of China in Taiwan is an independent political and legal entity with a democratic system of government and its own institutions, laws and security and defence arrangements; all these elements make it totally distinct from the People's Republic of China. It is clear that the Republic of China in Taiwan and the People's Republic of China are two separate but equal political entities. Each of them enjoys a number of diplomatic and commercial relationships world wide and exercises exclusive full jurisdiction over a specific and separate territory. If the claim that the Chinese mainland is part of the Republic of China in Taiwan is a fiction, then so is the claim that Taiwan is a province of the People's Republic of China. Although the division of China is unfortunate for all Chinese, it is still unpredictable as to when and under what conditions China will be reunified. Prior to the unification of China, the two independent political entities across the Taiwan Straits should respect each other in the international community and participate together on an equal footing in international organizations and activities. Such mutual respect will help gradually to build confidence between the two sides and create a favourable environment for the unification of China.

4. In the United Nations, there are precedents for parallel representation of divided countries. Former East and West Germanys, as well as both North and South Korea, were admitted into the United Nations simultaneously. Of these divided countries, former East and West Germanys achieved national unification in 1990. it is clear that parallel representation of divided countries in the United Nations does not impede eventual unification of the parties involved. On the contrary, it may help to reconstruct mutual trust between them. Currently, the Republic of China in Taiwan and the People's Republic of China are full members of the Asian Development Bank (ADB) and the Asia-Pacific Economic Cooperation Council (APEC). Both are observers representing separate

territories in the General Agreement on Tariffs and Trade (GATT), to which they are simultaneously negotiating accession. After their accession, they will become founding members of the World Trade Organization (WTO). The international community should therefore encourage and support the parallel representation of divided countries in the United Nations and all other international organizations.

5. The recognition by the United Nations of the rights of the Republic of China in Taiwan would be consistent with the principle of universality and the equality of States before the law. The full and formal participation of the Republic of China in Taiwan in the United Nations and in United Nations multilateral programmes of international humanitarian aid and economic development undeniably would result in more comprehensive aid and benefits for the promotion of international prosperity.

6. On 6 August 1993, representatives of seven Central American countries requested, in a signed letter addressed to the Secretary-General (A/48/191), that the General Assembly examine at its forty-eighth session the exceptional situation of the Republic of China in Taiwan and its participation in the United Nations; it proposed that an ad hoc committee be established to study the issue. This proposal was only a procedural matter asking Member States to analyse the issue from a true perspective of reality and with an open frame of mind. The proposal did not preordain any position. As an open forum, the United Nations should be able to examine any issue in the international community. Preventive diplomacy prescribes that the most desirable and efficient employment of diplomacy is to east tensions before they result in conflict. The examination of the situation of the Republic of China in Taiwan by the United Nations completely conforms with the principles and spirit of preventive diplomacy. The item proposed by the seven Central American countries, however, was not placed on the agenda of the forty-eighth session of the General Assembly. But as the issue still remains, members of the United Nations ought to consider, as early as possible, the global benefits of an ad hoc committee to analyse comprehensively all aspects of the exceptional situation of the Republic of China in Taiwan and, moreover, its future ramifications.

Annex II

DRAFT RESOLUTION

The General Assembly,

Recalling its resolution 2758 (XXVI) of 25 October 1971 on the representation of China at the United Nations, and noting that since then, as a result of that resolution, the Republic of China in Taiwan has not been part of the Organization,

Recognizing that the Republic of China in Taiwan is a responsible member of the international community, with a stable political system and a dynamic economy, whose participation in the United Nations would benefit the international community,

Affirming the need to recognize and fully respect the fundamental rights of the 21 million Chinese, who are politically organized as the Republic of China, in the island territory of Taiwan,

Noting the declaration made by the Government of the Republic of China in Taiwan stating that it is willing to accept the obligations laid down in the Charter of the United Nations and to contribute to promoting and maintaining international peace and security,

Convinced of the need to find a peaceful and voluntary solution to the problem posed by the Republic of China in Taiwan within the framework of the United Nations, in accordance with the spirit of the Charter and the principle of universality,

1. Decides to establish an ad hoc committee consisting of ... Member States, to be appointed by the General Assembly, whose mandate will be to analyse comprehensively all aspects of the exceptional situation and make appropriate recommendations to the General Assembly at its fiftieth session;

2. Urges all Member States to assist the committee in fulfilling its mandate.